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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,000	10/20/2003	Russell D. Patterson	450133-04596	4868

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FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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DANNEMAN, PAUL

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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05/11/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/690,000	Applicant(s) PATTERSON, RUSSELL D.	
	Examiner PAUL DANNEMAN	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 January 2010 has been entered.

**Response to Amendment**

2. This Office Action is in response to Applicant's Request for Continued Examination filed on 28 January 2010.
3. Claims 1, 27-30 and 56-59 have been amended.
4. Claims 1-59 are pending and have been examined in this Office Action.

**Response to Arguments**

5. Applicant's arguments with respect to independent claims 1, 27-30, 56-59 and their dependent claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

6. **Claims 1-59** are rejected under 35 U.S.C. 103(a) as being unpatentable over Markki et al, US 2004/0243665 A1, henceforth known as Markki and in further in view of Huitema et al, US 2003/0056093 A1, henceforth known as Huitema and further in view of Hunter et al., US 6,758,746 B1, henceforth known as Hunter and further in view of Zmudzinski et al., US 20050044048 A1 ("Zmudzinski").

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**Claims 1-59:**

With regard to the limitations:

- *Providing a first account with member access allowing two or more privileges in the network*
- *Providing a second account with general access allowing at least one privilege*

Markki does not specifically disclose the number of privileges that a general or member may have regarding the access of a network per se, however in at least paragraph [0004] discloses an invention for searching for users and allowing communications among node users, and for the performance of sharing operations between users. Markki in at least paragraph [0028] discloses a “**general access certificate**” being presented where the user could be considered a member of a “**general group**”, giving the user rights to use services offered in the general group. Markki in at least paragraph [0041 and 0042] discloses a user joining a group in response to receiving a gaming invitation. Markki in at least paragraph [0047] discloses that the group manager may consult a database or registers to see if the user corresponding to the join request is potentially eligible for membership, and/or the like.

Huitema in at least paragraphs [0010-0012] discloses an invention for ensuring secure peer-to-peer communications in a group structure (formation of a group, group member addition, etc.). Huitema further discloses that the peer-to-peer group security allows every peer who is a valid member of the group (has access to the group site) to invite new members (has only access in order to respond to an invitation) using public / private key encryption in several different embodiments. Huitema in at least paragraph [0013] discloses receiving a connect message from a peer's private key, and when the step of authenticating is successful sending an accept message to the peer, and sending a group shared key to the peer. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify Markki's Service Provisioning System in a Peer-to-Peer environment with Huitema's Peer-to-Peer Group Security method with the motivation of ensuring a secure environment for members (Markki paragraphs [0051-0052]).

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- ***Linking the subscription accounts of a member having member access with a member having general access.***
- ***Linking of the accounts allows member having only general access to have privileges associated with the account having member access privileges.***
- ***Subscription accounts are for online gaming.***
- ***Account with highest privileges may unlink accounts at any time resulting in loss of privileges to the unlinked accounts.***

Markki in at least paragraph [0038] further discloses receiving a request from a user regarding available groups and the user receiving a response containing the appropriate information (i.e. group name, group metadata, description of the group, membership criteria and contact information regarding the manager of the group and/or the individual capable of granting access to the group). Markki in at least paragraph [0047] discloses that the group manager may consult a database or registers to see if the user corresponding to the join request is potentially eligible for membership, and/or the like. Markki in at least paragraph [0134] further discloses that group rules could be, for example, an expiration date for the group, which one or more of the services such as sharing, instant messaging and chat services will be provided by the group and the rules regarding sharable entities. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify Markki with "membership rules" which make membership sharing with privileges above the "the general access" level temporary based on the payment of fees" and other requirements such as activity, on-line presence, etc. Markki in at least paragraph [0134] still further discloses group rules which are used to indicate the level of sharing of group resources by different members of the group. Markki in at least paragraph [0119] still further discloses allowing for multi-player gaming among group members and being able to search for and join other gaming groups in gaming instances and in at least paragraph [0159] still further discloses using a group or user certificates to prove group membership. Markki in at least paragraph [0132] still further discloses that some groups may require a subscription.

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Markki does not specifically disclose unlinking accounts; however in at least paragraph [0126] discloses a group manager for specifying user specific information regarding group membership. Markki in at least paragraph [0134] further discloses the concept of group rules for sharable entities. Markki in at least paragraphs [0141 and 0142] still further discloses that group rules can be created in accordance with various embodiments and requiring a membership application to become a member of a group, also expiration data could be used to limit the life span of a group. Huitema in at least paragraphs [0066 and 0067] discloses a **group certificate revocation list (GCRL)** which is a listing of users whose privilege to access a particular group has been canceled or withdrawn. Huitema in at least paragraphs [0047, 0048 and 0049] further discloses that group membership certificates which have been revoked by the issuer reside in the GCRL. Huitema in at least paragraph [0051] still further discloses how to deal with members who have been disconnected from the group. Therefore it would have been obvious, at the time of the invention, to one of ordinary skill to combine the well known features of Markki's group sharing with the well know features of Huitema regarding membership cancellation with the motivation of insuring that only legitimate and properly authorized members are able to join a group to which they are not linked.

- ***Accounts can be linked through a pool.***

Markki and Huitema do not disclose the limitation above, however Hunter in at least Column 4, lines 60-67 and Column 5, lines 1-5 discloses that current role-playing games require a player to purchase the client game software at a fixed price and in most cases also pay a monthly subscription fee per player account, which results in every player receiving the same set of playing options for the game. Hunter further states that current MMORPGs plots are constrained by the economics of pricing models requiring the game developer to improve their games or risk losing subscribers. Hunter in at least Column 6, lines 49-67 further discloses an invention to overcome some of the current limitations by offering players more choices of characters and character attributes. Hunter in at least Column 7, lines 33-44 discloses players being given a choice of playing a game with an existing character, creating a new character without a purchase

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requirement, or purchasing a character with various attributes. Hunter in at least Column 7, lines 45-55 still further discloses a tiered subscription level where a higher level tier could access and use any of the lower tier characters.

Therefore, it would be obvious, at the time of the invention, to one of ordinary skill to be motivated to modify Markki's group sharing and pooling capabilities with Hunter's tiered subscription accounts as a means for RPG publishers and MMORPG publishers, to attract new players to their games and retain existing players without necessarily having to spend time and money developing and refining their game skills in an increasingly crowded RPG game market (Hunter, column 8, lines 39-49).

- ***Wherein when the first account disconnects from the network, the link between the first account and the second account is terminated and the granted at least one privilege (and member access) to the second account is removed from the second account.***

Markki, Huitema and Hunter do not disclose the limitation above per se; however Zmudzinski in at least paragraph [0007] discloses an invention which permits end-users to share rights in the same content, including applications such as multi-player games. The idea is premised in limited sharing of content between a master licensee/device and one or more shareable licensees/devices. Zmudzinski in at least paragraph [0001] further discloses that the invention relates to data processing, including apparatus, systems, and methods used to control access to, and use of, application programs.

Zmudzinski in at least paragraph [0010] further discloses that the allocated and issued shareable licenses may be revoked at will by the master license, or when the master licensee ceases to execute the shared application, or whenever any one of the shareable licensees chooses to terminate execution of his shareable application (e.g., when a shareable licensee chooses to leave the multiplayer game session, the shareable license associated with his gaming device may be revoked).

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It would have been obvious, at the time of the invention, to one of ordinary skill to combine the Markki, Huitema and Hunter combination with the shareable licensing features as disclosed by Zmudzinski to allow the controlled sharing of a multi-player game with the motivation to entice shareable licensees to upgrade to a master licensee for a fee (Zmudzinski, paragraph [0010]).

### Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ohmori, Maeno, Sakata, Fukuoka and Watabe, Distributed Cooperative Control for Sharing Applications Based on Multiparty and Multimedia Desktop Conferencing System: Mermaid, Published IEEE, 1919, 0-8186-2865-0/92, pp 538-546. Downloaded from IEEE Xplore on 23 March 2010.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/  
Examiner, Art Unit 3627  
23 March 2010